

# 'THE SECOND WHAT'. SCIENCE, TRAGEDY AND THE MENTAL ABYSS IN *FORENSIC FILES*

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## ABSTRACT

This article explores a few episodes of the television series *Forensic Files* (1996-) as a means of explaining connections between mind reading, the tragic and true crime. The tragic as a concept and the challenges

of mind reading are described in order to explain the role assigned to science in the series. *Forensic Files* is a homage to science and forensics, but some important aspects of the retold crimes are often disregarded. This article problematizes the role of thoughts, feelings and intentions in *Forensic Files*. The aim is to underline the significance of the lack of attention paid to the psychological dimension of true crimes in the series, as well as to expose the tragic range of these retold fatal crime stories. A crucial gap in the process of understanding and judging a perpetrator is named 'the second what', a factor that demonstrates an essential connection between true crime cases and our ability to read minds.

## INTRODUCTION

Millions of readers and viewers are fascinated by stories about crimes that have actually been committed. In recent years, there has been an abundance of true crime novels, films, TV series, podcasts and blogs, spanning a wide range of formats and subgenres. A true crime series was launched in 1996 that has been produced for almost 25 years under three different names (*Medical Detectives*, *Forensic Files*, *Forensic Files II*). In the hundreds of episodes that have been made, forensic scientists are revered as heroes in the fight for truth and justice. Almost all of the episodes end reassuringly with an arrest as a consequence of meticulous, methodical and scientific scrutiny. There is a blind spot, however. The mental life and psychology of the perpetrators are largely neglected in the *Forensic Files* episodes, despite this element of 'inner life' being of fundamental importance to justice being served, with regard to a murderer's soundness of mind, guilt and responsibility.

The context for my comments and analysis of some of the episodes (accessible on YouTube) is the tragic as a concept and, to some extent, tragedy as a genre. The true crime stories always have victims and are marked by a sense of tragic loss. The grandeur and depths of tragedy are present in many of the *Forensic Files* episodes: a sense that some metaphysical scheme is playing with us humans and making us suffer for small mistakes, such as ignoring warning signs or mistaken trust in someone the victim thought she or he knew very well. People are punished for not reading the mind of the person who wants to harm them, for being blind. The tragedies are not only caused by coincidences and mishaps, but by mind-blindness, the failure to see what was going on in another person's mind.

### 1. *FORENSIC FILES* AND CRIME DOCUMENTARIES

True crime narratives often focus on particularly gruesome murders, with vivid details of cruel killings, dead bodies and forensic finesse. During the process of narrating the events, true crime not only focuses on the criminal acts and investigation, but also on motives, intentions and psychology. We need to understand what was going on in the minds of those involved, whether they were the perpetrators, victims, relatives or police detectives, in order to appreciate the crime story. The perpetrator's state of mind is particularly import-

ant for whether he or she acknowledges guilt, but these inner, mental states are complex and frustratingly hard to grasp. It seems plausible that cognitive psychology, or the theory of mind reading, can provide some insight into the 'inner reality' of a crime. Although we can never actually see directly into another person's mind, we can learn something about the human mind via implications and probabilities, and point to some crucial challenges for the acknowledgment of guilt and ensuring justice is served.

*Forensic Files* was originally produced by the American television production company Medstar Television and distributed by the television company and streaming network FilmRise. The episodes in the series have been distributed on platforms such as Netflix, The Roku Channel, HBO, Pluto, Amazon, Apple, and YouTube. The series started in 1996 (initially under the name *Medical Detectives*). There are more than 400 episodes, with each lasting for approximately 20 minutes. The series continues under the name *Forensic Files II* since February 2020. Every episode focuses expressly on the role forensic science plays in solving a crime, usually a murder. The series is presented as follows at the International Movie Database:

Police increasingly utilize scientific laboratory analysis to solve crimes. This program reviews and re-enacts dramatic cases from around the world in which forensic scientists find and examine previously undetectable evidence. Through their hard work, criminals are brought to justice and the innocent are set free.<sup>1</sup>

The viewers witness how investigators and scientists use "cutting-edge forensics to crack the most baffling criminal cases".<sup>2</sup> The science behind the crime is often shown by portraying conscientious scientists in ways that set out to impress the viewers, showing them using high-tech equipment diligently and with precision. The investigators and forensic scientists are usually shown as heroes, by convincingly proving how a crime was committed, however seemingly unsolvable. The *Forensic Files* stories are anchored in science.

The *Forensic Files* episodes are so-called "reenactment programs" (Murley 2008: 109), which mix actors' reenactment of events with interviews with real victims, witnesses, family members, investigators, examining magistrates, pathologists,

1 [https://www.imdb.com/title/tt0247882/?ref\\_=fn\\_al\\_tt\\_1](https://www.imdb.com/title/tt0247882/?ref_=fn_al_tt_1) (last accessed 07-05-20).

2 <https://nb-no.facebook.com/forensicfiles/> (last accessed 17-02-20).

lawyers and even occasionally the criminals. Actors and actual participants in the crime cases appear one after another in a reenactment/interview montage format using documentary techniques such as voice-over, simulations, interviews, still photographs, and authentic footage of detectives and forensics experts at work. In the semi-fictional techniques employed in these episodes, the actors do not always look like the actual persons involved, and what actually happened at the murder scene might be based on supposition. Time is compressed, and the action speeded up. Camera angles and music can heighten the tension, at times reminiscent of horror films. A soundtrack often cues the viewer's emotions to the appropriate feelings, such as fear or sorrow.

All the *Forensic Files* episodes are based on real life cases, usually in the USA, and use real personal and geographical names, exact dates, locations, everyday details, and often intimate minutiae. As is common in true crime, forensic science procedures take up a considerable part of the story. In the intro sequence to each episode, we watch a collage of scientific instruments and several scientists operating, indicating intriguing scientific precision. Forensic tools and scientific equipment, such as fingerprint brushes and microscopes, "prove" that science will find the answers. In almost all of the episodes, tiny details are studied and provide vital clues to catching the culprit. It may be a hair, a small fiber, blood splatter on clothes, traces of fingerprints, dental records, or DNA left on the dead body. The implied message is, as is common in true crime, that "science can conquer the irrational and extract order from chaos" (Murley 2008: 132). The murderer may be an enigma, but his or her actions are placed within a framework of science and objectivity (Murley 2008: 81), or what is called "the medico-scientific discourses of the forensic examination" (Biressi 2001: 161). As is common in true crime, there is "an ongoing dialectic of murder as both mystery and a collection of scientific facts" (Murley 2008: 151).

The reenactments are always interpretations of events, usually produced several years after the killings, and unreliable for this and other reasons. Recreated situations might always be contested, as they are based on police reports or witness testimonies, or even conjecture. Enormous amounts of details are unknown, and much is intentionally left out. There is often excessive attention to a few details that were crucial in solving the crime – but all the details have to be interpreted. Authentic video footage made by the police or journalists is not entirely trustworthy, for it is often unclear what the events and details we see, actually *mean*. What do they prove? There is "always unsafe divisions between fact

and fiction", declares Anita Biressi, an expert on the true crime genre (2001: 57). Often in true crime "[f]acts are selected, shaped, and twisted to fit the crime formulas being used" (Fishman and Cavender 1998: 154). Many criminals in the episodes are judged on circumstantial evidence, and we know that convicted felons are sometimes subsequently proven innocent. As several of the *Forensic Files* episodes can testify, even a confession from a suspect might be false.<sup>3</sup>

The tendency in crime documentaries is to individualize. Very little attention is assigned to social structures that may lead to crime. The focus is on individual agency. "In most true-crime narratives, the act of murder is isolated and presented as entirely separate from any social forces apart from the grave flaws in the killer's family origin, and eventually the demoted characteristics of the killer himself/herself" (Murley 2008: 153-4). This tendency may derive from the conservative-liberal agenda of the media companies that produce such documentary series, holding individual persons responsible for misdoings rather than society as a more or less deterministic system. An additional factor is that it is easier for the audience to relate to, and identify with, individuals than with groups or systems:

The terms of the genre are pity, sadness, a sense of futility, sympathy with the victim and the victim's family, suspicion, instability, fear, and disengagement and alienation from others, all directed and focused on the alleged killer rather than at the system that creates and sustains fatal violence (Murley 2008: 147).

It is about evil acts, but with "an understanding of evil that is by turns subtle and sophisticated, lurid and vulgar, obsessively focused on the individual and always engaged with extremes of feeling, experience, and existence itself" (Murley 2008: 161).

The crimes depicted in the documentaries are usually fatal, and actually took place. Real people are dead. This leads repeatedly to the question of whether true crime gives "consumers" ethically unacceptable thrills, turning gruesome murders into "entertainment and spectacle" (Murley 2008: 104). Is it a "voyeuristic fascination" (Biressi 2001: 196) that makes the genre popular? Are we using other people's suffering for titillation, exploiting horror and sorrow out of curiosity?

3 For instance in "Dueling Confessions" (8: 36), <https://www.youtube.com/watch?v=r9dxwA5F-go> (last accessed 10-06-20).

“[T]here is something truly distasteful in the notion that one person’s extreme pain and infortune serves as another’s entertaining diversion. [...] Critics of the genre may very well ask, ‘Does true crime have a moral center?’” (Murley 2008: 159). The details of the dead body are often important, resembling to some extent pornography: “In pornography the look may be illicit but in true crime the invitation to look, and look closely, at a display such as this is legitimized by the objective discourse that frames it” (Biressi 2001: 161).

True crime as a media product is defended in numerous ways. Those fascinated by the genre can understandably “feel a need to justify their viewing pleasure by overemphasizing the educational, public service elements [...] like members of a caring society and not like voyeurs” (Hill 2000: 206 & 209). The tragedies on screen may also have a cathartic effect, because “we get to look danger and death in the eye and walk away” (Murley 2008: 132), relieved and maybe a little wiser. Watching the stories can provide crucial insights, which in some cases, might save lives – as fans of true crime like to believe (Vicary & Fraley 2010). *Forensic Files* plays up to this belief on several occasions. In the episode “All Butt Certain” (12.19), a wife who is convinced her husband is innocent of rape and murder starts watching *Forensic Files* episodes on TV in order to learn how to investigate.<sup>4</sup> In “Soiled Plan” (10.05) a cold case detective gets the idea of using plant DNA to prove a killing from watching a *Forensic Files* episode.<sup>5</sup> In “A daughter’s journey” (13.09), a daughter starts to investigate her mother’s disappearance by learning from the true crime series.<sup>6</sup> However, true crimes are also telltale stories about the literally vital role of mind reading. People are murdered because they are unable to read the murderers’ minds and escape.

## 2. THEORY OF MIND

People’s minds are constantly preoccupied with thoughts, feelings, intentions, motives, desires, and beliefs. We might be able to guess or understand some of those thoughts and feelings based on a specific situation, but since it is impossible to see into another person’s mind, our assumptions may

be completely wrong. However, we try to make deductions using a kind of social logic based on context and experience. We listen to what is said and notice a range of different signs, such as actions, gestures, facial expressions, and paralinguistic signals. We try to hold a person’s mind in our own mind, and understand something from her or his view. This ability hopefully enables us to communicate in an adequate manner with others, and predict what they might say or do. In metaphorical terms, we try to ‘read’ other people’s inner worlds, their thoughts and intentions, because social life makes such mind reading necessary. It enables us to make sense of the social world. Among other things, mind reading can help ensure we make an acceptable or socially successful impression, or even avoid certain minor or major threats. However, people will always have thoughts that they want to keep hidden, locked inside, which can be very hard to decipher.

Theory of Mind, also called mentalizing and social cognition (Apperly 2010: 2), is an advanced cognitive capability. Humans constantly – because of what has been called our “cognitive hunger” (Lisa Zunshine in Leverage et al. 2011: 64) – project ourselves into the minds of others, trying to find out what is going on in their heads and hearts, looking for reasonable explanations for their actions. We seem to be genetically predisposed or programmed for such mind reading, as we are able to detect minor signs of anger, fear, joy, sadness, happiness, guilt, shame, and a broad range of other mental states (Apperly 2010: 4). Even small children can (to some extent) detect fake feelings, such as false smiles (Song et al. 2016).

When we enter the mind-space of others, foraying their inner lives, we start to produce many hypotheses. Most of the hypotheses, interpretations and inferences are subconscious, and we know that a range of possibilities could explain a person’s state of mind, motive etc. People express themselves through their words and bodies in different ways, with different meanings, which our theory of mind has to navigate. The socio-cognitive complexity of this can be exhausting, because we continually have to reevaluate the truth value we thought we had secured a moment earlier. Some people hardly express any feelings at all, while others overdramatize, or use a lot of irony, or act, or lie. We lie to others, and may even lie to ourselves, denying something that we, on another psychological level, know to be true. Our imaginations may also carry us off in the wrong direction. We have clearly not mastered the art of mind reading. There is always uncertainty, which is particularly evident in social interaction involving several persons. Humans are mind readers who are prone to mind misreading and mindblindness.

4 <https://www.youtube.com/watch?v=LODGuGufEwI> (last accessed 11-06-20).

5 <https://www.youtube.com/watch?v=iEto85Rlnms> (00:11:06) (last accessed 22-06-20).

6 <https://www.youtube.com/watch?v=TMEnkLdHx78> (00:07:14) (last accessed 12-06-20).

We constantly have to deal with speculative and partial interpretations, as well as incomplete and uncertain suggestions. Most of our interpretations are probably inaccurate and defective to some degree: “[I]n the quotidian world we adults are good at Theory of Mind, but not that good” (Leverage et al. 2011: 15). Having known a person privately for a long time naturally helps, as we build mental models of people we interact with frequently, i.e., we ‘know’ them, but we still have no guarantee against lies, manipulation, deception, distortion, and very personal secrets. Some of those secrets may be very dark, and even life threatening. In no other media genre is there so much at stake in understanding other people’s minds as in true crime. Reading someone’s mind wrong has often proved fatal, but the mindset of a murderer can be extremely difficult to grasp.

### 3. TRUE CRIME AS TRAGEDY

The basic concept of tragedy defined by Aristotle is a series of dramatic events with an unhappy ending, events that are emotionally moving because they involve misfortune, pain, suffering, and destruction. In a tragedy, there is always loss, waste, ruin, and the sorrow, bitterness or anger that follows from it. There is agony and suffering. Something good, beautiful or very promising has been lost. Why do these events happen? The answer is always unclear and evasive in a tragedy, never straightforward or easy to explain. There is a cognitive mystery. In Greek drama, the Gods, Fate or Destiny turns the table, and these forces have also subsequently been called chance and casualty. An outcome appears to be ‘determined’ beyond what humans can know. The tragic outcome is not justifiable in human categories, it belongs to “a kind of primal chaos” that we can never control (Steiner 1990: 96). “Tragic drama tells us that the spheres of reason, order, and justice are terribly limited [...] There is no use asking for rational explanation or mercy. Things are as they are, unrelenting and absurd” (Steiner 1990: 8-9). This is also transferable to tragedies that take place in real life. It concerns not only “tragedy as art”, but “tragedy as life” (Eagleton 2003: 17).

Random events such as earthquakes and volcanic eruptions occur continually. However, they are not tragic in the sense assigned to tragedy as a genre by the Greeks. Humans cannot control when an earthquake happens. Tragedies on the other hand involve *some* element of human mistake and guilt, at least the guilt of being blind, oblivious, unaware of danger, and therefore misjudging a situation. Writing about Greek dramas Jacqueline de Romilly explains in *La tragédie grecque*

(1982) that the tragic has two parallel causes: the human and the not-human. The tragic hero always finds it hard to see the catastrophe coming. The uneasy signs of the approaching calamity are often repressed to an unconscious level. However, the signs are there, so the victim cannot only blame the tragedy on destiny, accidental events, or other people. There is always something, however minor, the victim should have seen and acted upon. The calamity that strikes the protagonist is both just *and* unjust. In Geoffrey Brereton’s words: “the notion of tragedy attaches neither to a foreseen result due to a deliberate act, nor to the effects of pure chance; neither to the clearly expected nor to the totally unexpected” (1968: 9). The events did not have to unfold as they did, there is an element of freedom, of better choices that could have been made before it was too late and it can depend heavily on mind reading, which is a difficult and sometimes risky business.

The tragic hero’s freedom cannot save him. The individual is to some degree to blame for his own demise, although it feels incredibly unfair that a small mistake or minor error in judgment should have an enormous consequence, beyond every expectation. “[T]here are in the world mysteries of injustice, disasters in excess of guilt, and realities which do constant violence to our moral expectations,” maintains George Steiner (1990: 133), while Anne B. Richard (2010) claims that the tragic plots pull the carpet from under humans’ feet, exposing a world where there are no trustworthy answers to why the calamities took place. We never get the last say on our position in the great scheme of the universal powers. We never get to know if there is any meaning behind human existence, suffering and death. In the end, “[t]ragedy is a deliberate advance to the edge of life, where the mind must look on blackness at the risk of vertigo” (Steiner 1990: 168).

Most tragedies end in death. Death – which is irrevocable, irreparable also for the bereaved – represents our insecurity, vulnerability and exposure to forces beyond our control, the fragile and temporary in life (Jankélévitch 1977: 69). It is the most radical of changes, and also subsequently leads to the suffering of others. “The wounds are not healed and the broken spirit is not mended” (Steiner 1990: 129). The fact that often-crucial questions remain unanswered adds to the pain, particularly in actual, real life criminal cases, as opposed to fiction. In crime fiction,

ultimately the mystery will be fully explained. What makes suspense largely unpleasant in real life is that there is no guarantee that we will ever get a complete, or even a partially true, answer to any

perplexing question. We can thus enjoy being lied to in the highly structured world of murder mystery because it offers us a *safe setting* in which to relieve our anxieties about the uncertainties and deceptions of real life" (Zunshine 2006: 122).

In staged, fictional tragedies, the greatest suffering comes from hate and killings within a family or between a couple. Family members who live together are supposedly able to read each other's minds. However, the tragedies prove them wrong. This is the case in many true crime documentaries, where close family members are revealed to have unknown thoughts and shocking feelings, and a mental abyss thus exists. In some cases, after days, weeks or even years of manipulation and machinations, a callous husband, wife, son or daughter carries out, sometimes for hours, despicable, gruesome acts against their closest relatives: "As a register of current social fears, true crime now seems to insist on the dangers of the ordinary, the trusted, and the prosaic. Danger is now figured as residing in the most usual of circumstances" (Murley 2008: 159).

#### 4. THE TRAGEDIES OF FORENSIC FILES

Many of the episodes of *Forensic Files* are based on crimes that happened in domestic life, in private homes, involving spouses, sons, daughters, or cohabitants. There is victimization within the family or circle of friends, as in many fictional tragedies, which adds to the emotional tension and the sense of "personal suffering and despair" which characterize true crime (Biressi 2001: 5). The *Forensic Files* episodes could in most cases be characterized as "televised intimacy" from a private domain (Murley 2008: 121), which arguably makes the crimes more monstrous than the killing of strangers. The domestic murders seem to undermine fundamental trust in the people closest to us. There is misplaced confidence among people who should love and cherish each other, there is hate among family members who should be intimate and caring. Thus the brutality comes as an 'expected shock' for the viewer – again and again, in episode after episode. The story plots are reminiscent of gothic horror stories, and of melodrama with their sharp contrasts between good and evil packaged in an emotional story about a family circle.

In *Forensic Files*' first episode (1.01), called "The Disappearance of Helle Crafts",<sup>7</sup> Richard and Helle Crafts are a mar-

ried couple with three children. Their marriage has started to crumble, and when Helle realizes that her husband is having an affair, she wants a divorce. Helle suddenly disappears, and her husband comes under suspicion. He passes a lie detector test, although all the clues point to him. Despite never confessing, he is convicted of murder. The episode offers a step-by-step reconstruction of what he most probably did: he killed his wife in their bedroom with a hard blow to her head and then placed her corpse in a freezer. He then drove at night to a river where he used a chainsaw to dismember the dead body, putting every part of her in a wood chipper he had brought with him, and disposing of the remains of his wife in the river. Several of these remains were found in the water proving what had been done to the corpse. The whole operation took Richard Crafts several hours, and gives the viewers a glimpse into the darkest places in the human psyche, and sets the dissonant tone for the rest of the series. The crime is solved because forensic science possesses the tools to prove Richard Crafts' guilt, and the episode provides a sense of closure. The most difficult element to get to grips with is what was going on in Richard Crafts' mind as he chopped the mother of his children to pieces. What did he think and feel? This is an important question because his state of mind indicates his degree of guilt, and because speculating about what he was thinking and feeling also adds to the horror of the story. He spent hour after hour cutting up the body of a person he had been so close to in life, maybe feeling no guilt, but only contempt and hate. The fact that he passed the lie detector test indicates a very cold and calculating person. A literally deadly mental abyss had opened up between the spouses, and it resulted in horror, loss, and probably lifelong trauma for their children.

A criminal may officially proclaim that he is sorry for his deeds, and beg people and God for forgiveness. However, we can never know for certain whether he really, deeply, acknowledges his guilt and the injustice done. Any sign of remorse may be false, and not at all heartfelt. The criminal may feel sorry for himself, sorry for being caught, playing the repentant. For him, the killing might not be a moral outrage, but an act of revenge he can justify to himself, without a guilty conscience. The criminal's acts may also be explained by a range of mental disorders that leave him without full control over his actions. We may understand the motive (such as financial gain, lust for power, revenge, sexual gratification), but nonetheless never really understand what was going on in the murderer's mind – as opposed to crime fiction where the detective or narrator reveals everything. Not knowing

7 <https://www.youtube.com/watch?v=VWz9rCXGYkI> (last accessed 22-06-20).

what happened inside the killer's mind is deeply unsatisfactory, for there is, as testified by the popularity of true crime, a "gut-level human desire to comprehend the irrational [...] the need to comprehend the 'incomprehensible', to look full-on at the worst of human behavior, accept it, and carry on with the business of living" (Murley 2008: 160).

Even if a case is solved, the sense of loss and tragedy remains, and the 'forensic security' cannot compensate for all the mental uncertainty. Some of the *Forensic Files* episodes make this particularly plain. In an episode called "A Bitter Pill to Swallow" (7.18),<sup>8</sup> death occurs almost at the very end of the story, not at the beginning as in the usual formula. This episode is a psychological drama where forensics is reduced to confirming what a victim has already proven. It is also an episode about mind reading problems, alternating between trust and suspicion. At the end, the perpetrator makes an enigmatic statement, which points to the mental condition behind the events, although the criminal motive is established, and the case solved.

A young woman living in Ohio is introduced to a newcomer in town: Michelle Baker is a paramedic and firefighter; Maynard Muntzing is a doctor. The voice-over narrator tells us that they soon fall in love. Baker herself appears several times in the episode, narrating parts of her story to the camera, stating (at 00:01:26): "I was the happiest woman in the world at that point. I mean, he was every woman's dream. He was very successful, very good looking." Muntzing is present by way of authentic photographs, real video footage and reenactments by an actor, but the story is from Baker's point of view. Her joy becomes complete when she becomes pregnant, and the couple plan to get married. They travel to Florida to wed, but Maynard then suddenly demands that the wedding is postponed, arguing that his family has to be present. Michelle, in her own words, "felt devastated" (00:02:30). However, she faces further problems and disappointment in the next few weeks. Soon after, Maynard tells her that he still has feelings for a previous girlfriend, Tammy Irwin. The voice-over reveals that Maynard soon begins to visit Tammy regularly without Michelle knowing, and that he has not told Tammy that he is living with a woman who is pregnant with his child.

The introduction to this crime story (00:00:01-00:00:36) establishes a clear contradiction between the flow of clichés and what we suspect will be a narrative about a very serious crime. The first shot is of a beautiful woman posing glam-

orously in a photo. The focus here is on the person's visual qualities, her attractiveness. From the beginning, the love story appears to be based on visual attraction, not on an understanding of each other's characters. The tempo of the narrative in the introduction is fast, illustrating how Michelle was swept off her feet. There are no warning signs or red flags. It thus comes as a surprise to Michelle, and, to some extent, the viewer, when Maynard changes his mind about the wedding. However, the reason he gives does not come across as reprehensible and selfish. We are supposed to believe that Maynard thinks that the wedding would not be complete without his family present (he has two sons from a previous marriage). We read Maynard's mind and find his motives acceptable, although the decision was sudden and unexpected.

The next development is the first real shock in the story. That same evening, at a beach restaurant, Maynard poisons Michelle. We later learn that he uses Cytotec pills, a drug that is likely to trigger an abortion. What is going on in Maynard's mind? What kind of regrets does he have? He continues to administer poison over the next few weeks, but Michelle believes her symptoms and illness are stress-related (00:07:45), and so does her doctor (00:08:15). Michelle keeps 'misreading' the signs, but her mindset toward Maynard is in the process of changing from love and gullibility to suspicion and fear for her own and her baby's life.

Later on, Michelle finds Maynard at Tammy Irwin's house. In retrospect, Michelle remembers that "I was devastated. I just couldn't believe that somebody could be that deceiving and appear to be something that they are obviously not" (00:06:33). Maynard subsequently begs for forgiveness and "seemed very sincere" (00:06:57) in his apologies. He promises Michelle that the affair with Tammy is over and is "affectionate" (00:07:53), but he very soon poisons her again.

Because of her inexplicable illness, Michelle's suspicions remain. The viewer is told by the voice-over that Maynard has secretly married Tammy Irwin. From this point onward, Michelle falls ill every time Maynard serves her a drink. This slowly leads her to suspect that he is behind her illness, and she sets out to prove or disprove that he is harming her by setting up a hidden camera in her own kitchen, as a trap. She is still in a phase of self-deception and denial: She does not want to suspect Maynard, but does so nonetheless. Even when she spies on him and hears him tell Tammy that he will get rid of Michelle's baby, she is in doubt about what to think: "My heart dropped and it was at that point that I realized that

8 <https://www.youtube.com/watch?v=qzKy7SWeKzs> (last accessed 03-06-20).

something might be going on" (00:10:10). She hopes she is wrong, but fears she is right.

The hidden camera reveals that Maynard is putting something into her drinks. A sample is submitted to the police and analyzed by a bewildered forensic chemistry expert. His first reaction is: "You gotta be kidding me. We have no idea what [drug] we're looking for here. [...] So where are we going to even start?" (00:13:36). Forensics is close to falling short, and it is only a "hunch" (00:13:51) that leads to the medication being identified. The glorification of science in this episode is further hampered by the fact that the police doubt Michelle's story, but are prohibited from using a lie detector test because she is pregnant (00:10:54). Science is, if not negated, certainly in trouble. But *Forensic Files* holds on to science, validated in this episode by the complicated explanation of how Michelle's soft drink was scrutinized by the chemists (00:14:14)<sup>9</sup>.

Maynard's plan was probably to terminate Michelle's pregnancy by causing a miscarriage. He employed dangerous means in an attempt to reverse time: to go back to his former girlfriend and get rid of his fiancée's unborn child. We are told by the voice-over that he was out to kill the child, but nobody knows for sure whether he wanted to kill both Michelle and their child. Michelle certainly accuses Maynard of trying "to kill the baby and kill me" (00:17:01). Maynard only admits to the police to wanting to get rid of the baby. Calamity strikes shortly before the trial when Michelle gives birth to a stillborn daughter. The little dead body represents tragedy, causing sorrow, pain and agony. The sense of destruction and loss is strongest when the stillborn girl, who Michelle names Makayla, is passed around to family and friends in the hospital and "we all told her how much that we loved her" (00:19:24). Contrary to the tradition of tragedy where kings and princes die, Eagleton states:

[Tragedy] did not vanish because there were no more great men. It did not expire with the last absolutist monarch. On the contrary, since under democracy each one of us is to be incommensurably cherished, it has been multiplied far beyond antique imagining (1993: 94).

Michelle is left in a bewildered mental state with unanswered questions:

9 In a few *Forensic Files* episodes, the crime is never solved and forensics can only eliminate some suspects and give vague promises of a future solution.

I have a lot of anger and a lot of hurt, and a lot of questions. And, you know ... And it doesn't matter how much counselling I go to, they can't answer any of those questions. And it's ... it's difficult (00:20:58).

Her anxiety and sense of terrible loss remain. In contrast to this lament, Maynard Muntzing attempts to mystify and bewilder in order to get leniency. Outside the court room, he twice says "the truth will come out soon" (00:18:45), the first time with a smile. What does he mean? No explanation is provided in the episode. Could there be a completely different interpretation of the events? Or is he even more cunning than we supposed?

The problem of mind reading has fatal consequences in other episodes as well. In "Bed of Deceit" (8. 28),<sup>10</sup> a daughter says at her mother's trial:

I don't understand why this had to happen to us. We had a good family. My father was a good man. And I thought my parents had a very loving relationship. And I ask that you give the maximum [penalty for my mother] (00:19:06).

In "A Leg up on Crime" (10.14),<sup>11</sup> a policeman lives a double life. After picking up prostitutes for years, he kills two of them. His wife apparently had no suspicion and considered him "a great family man" (00:16:50). A colleague tells us that "I trusted him with my life" (00:15:54) and another that "he seemed to have fooled everybody in his life" (00:20:56). In "Disrobed" (12. 23),<sup>12</sup> a 16-year-old girl kills her parents because they will not let her see her boyfriend: "Sarah's relatives thought she was being a normal teenager, pushing against authority, until they noticed her unusual behavior after the murders" (00:09:55). "Invisible Intruder" (4.01)<sup>13</sup> is about a mother who kills two of her three children in their sleep: "they painted this picture of the perfect family [...] but the family life was an illusion" (00:20:05). Video footage a few days after the children's funeral shows the mother smiling contentedly. It was this footage that led the police to suspect who was really behind the stabbings.

10 <https://www.youtube.com/watch?v=BgYru64PwFM> (last accessed 16-04-20).

11 <https://www.youtube.com/watch?v=G3Kc7yoL9AM> (last accessed 22-06-20).

12 [https://www.youtube.com/watch?v=kEbtQKs\\_860](https://www.youtube.com/watch?v=kEbtQKs_860) (last accessed 09-06-20).

13 <https://www.youtube.com/watch?v=UxmofCk8v5g> (last accessed 22-06-20).

## 5. THE SECOND WHAT

What happened? Some cases may be reconstructed fairly accurately, laying bare the series of events that took place before and during the crime, based for instance on a confession. However, there are two *'whats'*. The first *'what'* is the facts of the events. The second *'what'* is what happened in the mind of the killer – a *'what'* that is unobservable, opaque, hidden, unprovable. The consequences of mental states, which in these cases are fatal actions, can be observed or proved, but not the thoughts and feelings behind the actions. *What* took place in the killer's inner life when he or she killed, breaking perhaps the most fundamental law of all? This is an important question with implications for the suspect's soundness of mind, guilt, responsibility, and subsequently the verdict. There could be mitigating or aggravating circumstances depending on the suspect's state of mind, even if the death of the victim is horrible. However, *how* horrible it is depends on how you look at the case. We do not blame a psychotic person in the same way as a person of sound mind. There is also a big difference between a murder being committed in sudden passion or based on a calm and calculated intention to kill.

The main question about a crime is often presumed to be *why*, although it is often relatively clear why a person killed. The motives can be money, sex, revenge, the hate that can come from rejection, a mental illness or another explainable reason.<sup>14</sup> However, as with the two *'whats'*, there are also two *'whys'*. The second *'why'* is the metaphysical *'why'*. It is the question of destiny, found in the tragedy genre, as opposed to human freedom. Why did this calamity *'need'* to happen? Terry Eagleton refers to the heartbreaking cards or posters where what I call the second *'why'* is asked: "The flowers reverently placed by mourners on the spot of some appalling catastrophe – a shooting at a school, a fire in a nightclub – are sometimes accompanied by a card inscribed with the single, bewildered word *'Why?'*" (2003: 28). For Eagleton, this is hardly a metaphysical question, as he immediately translates it into the first *'why'*, like when a school massacre is carried out by "a psychotic youth neglected by harassed social services" (2003: 28). This may not be the *'why'* intended by the card writer. It is rather the *'why'* asked by the father of a raped and murdered girl in "Calculated Coincidence" (13.14): "I had

no idea how this could happen and why it would have to be Stephanie. [...] There was no reasoning for any of this at all".<sup>15</sup>

The first *'why'* and the second *'what'* are closely connected, but there is a crucial difference. The first *'why'* provides a pragmatic truth that is the foundation for the verdict, while the second *'what'* remains outside the court's knowledge. The offender cannot provide a trustworthy explanation about his state of mind. He can lie, have forgotten or tell the court what he thinks is the truth. As we learn from Theory of Mind, our hypotheses about mental states are notoriously untrustworthy. This fundamental element of uncertainty is crucial in a criminal case where a person's sentence is at stake, as well as the need for truth and closure for victims, next of kin and society in general. The longing for truth, order and justice is strong. Because of this, evidence and forensic science play an important role in securing society and restoring law and order and safety, giving the impression that objective truth and sound justice have triumphed. However, there is always a void: *'the second what'*.

This void or gap, the bottom of the mental abyss, should ideally be a foundation for justice. Without a trustworthy *'second what'*, the courts administer a pragmatic justice and fairness based on what we can actually know, disregarding the blind spots. The uncertainties must be considered, including when a person is clearly guilty and proven guilty of committing the crime. Justice is a principle for the courts, and justice is based on both acts and intentions, plans, determination, and mental condition. Even the accused does not necessarily know any more what he was thinking when the crime was committed. This makes it impossible to know the exact degree of guilt and therefore to accurately define justice in each case. There can be a thin line between different court sentences, for instance assigning the criminal full responsibility in some countries results in the death penalty, while in others, the criminal is found in need of care in a mental hospital. In some true crime stories, this need for good judgment can be presented in a very frustrating manner, as in *Forensic Files*' "Calculated Coincidence" (13.14),<sup>16</sup> where a young man who has raped and killed a young woman refuses to talk and even walk in the court room, lying on a stretcher with his eyes closed all the time and thereby silently refusing to take any part in the court proceedings (00:19:03). He had earlier in the episode been described as "a strange bird" (00:07:49) and "a very reclusive

14 Mental illnesses leading to crimes can be diagnosed with some certainty, as in the episode "Broken Bond" (3.12) where a woman suffers from the rare condition Munchausen's syndrome by proxy – and makes others suffer; <https://www.youtube.com/watch?v=hkr-P2u8V2o> (last accessed 14-05-20).

15 <https://www.youtube.com/watch?v=89WCNcVRVQ5> (00:01:55) (last accessed 02-06-20).

16 <https://www.youtube.com/watch?v=EHPXCRI4tro> (last accessed 02-06-20).

individual" (00:08:04), whatever that implies. He subsequently goes on to commit suicide in prison before the final trial.

There is a divide between the 'objective' facts in a crime case (such as names, precise times, street names etc.) and what goes on inside the people committing a crime or, for that matter, its victims. A true crime story needs to hold on to something that is certain, and in *Forensic Files*, criminology scientists guarantee certainty. This scientific perspective stands in stark contrast to everything we do not know about the inner life of the perpetrators. In his book on evil, Terry Eagleton refers to the view that calling an action evil means "that it is beyond comprehension. Evil is unintelligible" (2010: 2). Science, on the other hand, is by definition intelligible, dealing with the testable or provable. If someone does evil for evil's sake – what Immanuel Kant called radical evil – then they should definitely be punished harder than a man who kills his wife out of jealousy in the heat of the moment. Eagleton quotes the philosopher John Rawls: "What moves the evil man is the love of injustice: he delights in the impotence and humiliation of those subject to him and relishes being recognized by them as the author of their degradation" (2010: 94). Such a person deserves harsh punishment. That would be justice. For justice should be done, but how can it be done when there is a gap in the 'formula' for administering justice and punishment? The gap is 'small', and the complex 'formula' for justice in a court room is long, well founded and based on long-established traditions. However, this gap can make a huge difference for some people.

## 6. LESSONS LEARNED?

On the night Helle Crafts was murdered, she would not have gone to sleep in her and her husband's bed if she did not fundamentally trust her husband. A trust that had fatal consequences. Michelle Baker's relationship with Maynard Muntzing slowly went from trust and love to distrust and fear. She and Muntzing lived together, and, in her mind, were emotionally close. Both of these crime stories are disturbing in numerous ways, not least because the women's homes were in fact danger zones. True-crime author Ann Rule reminds her readers:

[I]t is the home, rather than the street, which represents the greatest danger to women, physically and emotionally; rather than fear the ruthless predatory stranger, women are now exhorted to fear – and flee from the bondage of – the bad boyfriends,

lovers, and husbands, men who should be protecting us (cited in Murley 2008: 74).

Two men, Richard Crafts and Maynard Muntzing, had literally become strangers to their partners. The circle of trust and emotional closeness was broken. The intimate space for love, understanding and relatively easy mind reading had disappeared.

The implication from many of the *Forensic Files* episodes is that 'it could happen to anybody', that everyone is more vulnerable than we like to think, even in our own homes: "The notion that 'it couldn't happen here' competes with the equally powerful idea that 'it could happen anywhere'" (Murley 2008: 119). True crime is about a sort of negative cognition, i. e. the fact that the opposite of what you believe about a person *could* be the case, and

by learning the motives and methods of murderers, people learn ways to prevent becoming their victims. [...] we might expect women to be more interested in true crime books because of the potential survival cues contained therein. [...] Such understanding might increase a woman's chances of detecting the signs that a jealous ex-lover [...] [being given] potential life-saving knowledge (Vicary and Fraley 2010: 82 & and 84-85).

Ann Rule has said that she "considers her work to be a kind of public service to women, warning them against sociopaths and dangerous romances" (Murley 2008: 75).

The mental abyss is dangerous, but also fascinating. According to Anita Biressi, we want to know what is in the perpetrator's head, what his or her thoughts and feelings are, in the same way that we want an entirely truthful confession and full repentance. We crave explanations, maybe because we silently believe that "the 'cold blooded' murderer has an esoteric relationship with and knowledge of the forces of life and death which is somehow more 'authentic' than anything that may be inferred from everyday life" (2001: 190). In this area – the enigmatic mind – 'objective' science is out of its depth.

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